

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

DOMINIC CASTLEBERRY,

Plaintiff,

v.

Case Number 12-13346
Honorable Thomas L. Ludington

TRANS UNION, LLC et al.,

Defendants.

ORDER ADOPTING REPORT AND RECOMMENDATION DISMISSING COMPLAINT
AGAINST DEFENDANT INNOVATECH DESIGNS, INC. FOR LACK OF PROSECUTION

Plaintiff Dominic Castleberry obtained the clerk's entry of default against Defendant Innovatech Designs, Inc. on August 29, 2012. Since then, Plaintiff has taken no further action against this Defendant in this Court.

So on May 16, 2013, Magistrate Judge Charles Binder issued a show cause order directing Plaintiff to show cause why the complaint against Innovatech Designs should not be dismissed for lack of prosecution. Plaintiff did not respond.

On June 5, 2013, Magistrate Judge Charles Binder issued a report and recommendation (ECF No. 49) recommending that the complaint against Innovatech Designs be sua sponte dismissed for lack of prosecution.

Any party may serve and file written objections "[w]ithin fourteen days after being served with a copy" of the report and recommendations. 28 U.S.C. § 636(b)(1). The district court will make a "de novo determination of those portions of the report . . . to which objection is made." *Id.* The Court is not obligated to review the portions of the report to which no objection

was made. *Thomas v. Arn*, 474 U.S. 140, 149–52 (1985). As of today’s date, no party has filed any objections to Judge Binder’s report and recommendation.

Accordingly, it is **ORDERED** that Judge Binder’s report and recommendation (ECF No. 49) is **ADOPTED**.

It is further **ORDERED** that Plaintiff’s complaint against Innovatech Designs is **DISMISSED**.

Dated: July 16, 2013

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney of record herein by electronic means and upon Dominic Castleberry, at P.O. Box 1086, Saginaw, Michigan 48606 by first class U.S. mail on July 16, 2013.

s/Tracy A. Jacobs
TRACY A. JACOBS